

CALIFORNIA ENERGY COMMISSION

NOTICE OF PROPOSED ACTION

Residential Clothes Washer Regulations

PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 20: DIVISION 2, CHAPTER 4: ENERGY CONSERVATION, ARTICLE 4: APPLIANCE EFFICIENCY REGULATIONS SECTIONS 1601-1608

Docket No. 03-AAER-01(RCW)

September 2003

PLEASE TAKE NOTICE that the California Energy Commission proposes to adopt water efficiency standards, and regulations requiring the submittal of data on water efficiency, for residential clothes washers. The proposed standards are for a maximum water factor ("WF") of 8.5 for units manufactured on or after January 1, 2007, and a maximum WF of 6.0 for units manufactured on or after January 1, 2010.

PUBLIC HEARINGS

The Commission will consider adopting the proposed regulations at a public hearing:

Wednesday, November 5, 2003
10:00 a.m.
California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair accessible)

The Commission's Efficiency Committee will also hold a hearing on the proposed regulations:

Wednesday, October 15, 2003
10:00 a.m.
California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair accessible)

At the hearings any interested person may make written or oral comments on the proposed regulations. In addition, any interested person may submit written comments, as described below.

WRITTEN COMMENTS

Any interested person may submit written comments on the proposed regulations. ***In order to be considered, written comments must be received at the Commission no later than 3:00 p.m. on Tuesday, November 4, 2003.*** Written comments shall be mailed or delivered to the following address:

Docket No. 03-AAER-01(RCW)
Docket Office
California Energy Commission
1516 Ninth Street, Mail Station 4
Sacramento, California 95814-5512

We request that all written comments be titled “Docket No. 03-AAER-01(RCW).”

AUTHORITY AND REFERENCE

The Commission proposes to adopt the regulations under the authority of Public Resources Code Sections 25213, 25218(e), 25402(a)-(c), and 25402(e)(1). The proposed regulations would implement, interpret, and make specific Public Resources Code Sections 25402(a)-(c) and 25402(e)(1).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law (Public Resources Code Section, 25402(c)) requires the Commission to adopt regulations that prescribe minimum efficiency levels for appliances. The proposed regulations would establish new standards for the water efficiency of residential clothes washers: a maximum water factor (“WF”) of 8.5 for units manufactured on or after January 1, 2007, and a maximum WF of 6.0 for units manufactured on or after January 1, 2010. (Water factor is calculated by dividing (1) the total amount of water used to wash and rinse a full load of clothes, in gallons, by (2) the capacity of the wash tub, in cubic feet.)

The Commission first adopted appliance standards, and related definitions, test methods, information-submittal requirements, and compliance and enforcement rules, in 1976; the Commission has periodically revised the regulations since then. In 2002 the Commission adopted extensive revisions to the appliance regulations, including energy and water efficiency standards for commercial clothes washers (i.e., clothes washers that are not federally-regulated “consumer products” as defined in federal law).

The current water efficiency standard, which applies to all such commercial clothes washer units manufactured on or after January 1, 2007, prescribes a maximum WF of 9.5. (California Code of Regulations, title 20, Section 1605.3(p)(1).) After the Commission adopted the commercial clothes washer standard, the California Legislature enacted a statute that requires the Commission, not later than January 1, 2004, to “require that residential clothes washers

manufactured on or after January 1, 2007, be at least as water efficient as commercial clothes washers.” (AB 1561 (Chapter 421, Statutes of 2002), enacting Public Resources Code Section 25402(e)(1).)

Federal law currently prescribes *energy* efficiency standards for residential (“consumer product”) clothes washers. (10 Code of Federal Regulations Section 430.22(g).) There is no federal water efficiency standard, for either residential or commercial clothes washers. Federal law appears to preempt state standards on both energy efficiency and water efficiency for residential clothes washers; however, states may petition the federal Department of Energy for a waiver from federal preemption. (42 United States Code Sections 6297(c)(1), 6297(d).) The Legislature has instructed the Commission to file a petition for waiver of the residential clothes washer standards, no later than April 1, 2004. (Public Resources Code Section 25402(e)(2).)

STATUTORY REQUIREMENTS

California law requires that the Commission’s appliance efficiency standards (1) apply to appliances that use a significant amount of energy on a statewide basis, (2) be based on feasible and attainable efficiencies or feasible improved efficiencies, and (3) be cost-effective based on a reasonable use pattern (i.e., not result in added total costs to the consumer, considering both any increased costs of the efficiency improvement and any reduced costs resulting from the improved efficiency, over the design life of the appliance). (Public Resources Code Section 25402(c)(1).)

The Commission has previously determined that clothes washers use a significant amount of energy on a statewide basis, when it adopted the current clothes washer standards in 2002. (Clothes washers cause energy use not only to run the motor in the clothes washer itself, but also to heat water in the user’s water heater, to pump water to and from the user, and to treat water both before and after use.)

The proposed regulations are feasible and attainable: there are current models of residential clothes washers that meet both the proposed 8.5 and 6.0 WF standards.

The proposed regulations are cost-effective. A Commission Staff Report, *Update of Appliance Efficiency Regulations for Residential Clothes Washers* (Martin & Holland, September 2003), shows the following costs and savings:

8.5 WF

Added First Cost	Annual Unit Reduction in Water Use (gallons)	Annual Unit Reduction in Operating Cost (based on \$.0035/gallon)	Simple Payback (years)	Design Life (years)
\$74.05	4,048	\$14.17	5.2	14

6.0 WF

Added First Cost	Annual Unit Reduction in Water Use (gallons)	Annual Unit Reduction in Operating Cost (based on \$.0035/gallon)	Simple Payback (years)	Design Life (years)
\$135.80	6,973	\$24.41	5.56	14

(This analysis takes account of the reduced cost of water to the user, but not the reduced cost of heating that water, which is difficult to quantify.)

ECONOMIC AND FISCAL IMPACTS

The Commission has made the following initial determinations.

Local Mandate

The proposed regulations will not impose a mandate on state or local agencies or districts.

Fiscal Impact

Costs Requiring Reimbursement. The proposed regulations will not impose on local agencies or school districts any costs for which Government Code sections 17500 – 17630 require reimbursement.

Other Non-Discretionary Costs or Savings for Local Agencies. There will be savings for local agencies that treat or pump water, because less water will be used in residential clothes washers.

Costs or Savings for State Agencies. There will be savings for state agencies that treat or pump water, because less water will be used in residential clothes washers.

Cost or Savings in Federal Funding to the State. The proposed regulations will not result in any costs or savings in federal funding to the state.

Effect on Housing Costs

There will be no significant effect on housing costs. The costs of owning and operating a home will decrease slightly as a result of lower water and energy costs for residential clothes washers.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States

The Commission has initially determined that there will be no significant (or insignificant) adverse economic, fiscal, or environmental impact on businesses, including small businesses. (No manufacturers of clothes washers are located in California.)

Impacts on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California

The proposed regulations will have no impact on the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses in California.

Cost Impacts on Representative Person or Business

There will be no cost impacts that a representative business would incur in compliance with the proposed regulations. Investor-owned water utilities will have a reduction in water treatment and pumping costs.

Business Reports

The proposed regulations would require manufacturers of residential clothes washers to submit data about the water efficiency of the products that they

manufacture. It is necessary for the health, safety, or welfare of the people of the state that the proposed regulations apply to business, for two basic reasons. First, the Legislature has required the Commission to adopt the proposed water efficiency standards, and the submittal of data is necessary to determine compliance with the standards. Second, the data required to be submitted will be used to increase consumer awareness, for utility efficiency programs, and for research, all of which will foster additional water efficiency.

Small Business

In general, the proposed regulations will not affect small businesses, because they do not purchase residential clothes washers. If there are any investor-owned water utilities that are small businesses, they will be beneficially affected by the proposed regulations because their costs for water pumping and treatment will be reduced.

ALTERNATIVES

Before it adopts the proposed regulations, the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations. To date, the Commission has found no alternatives to the proposed action that would be more effective, or as effective and less burdensome.

CONTACT PERSONS

Please contact the following person, preferably by e-mail, for information about the proceeding or to obtain any document relevant to the proceeding, including the Express Terms, the Initial Statement of Reasons, and any other document in the rulemaking file:

Linda Franklin
California Energy Commission
1516 Ninth Street, Mail Station 26
Sacramento, California 95814-5512
Telephone: 916-654-4008
Fax: 916-654-4304
E-mail: LFrankli@energy.state.ca.us

Please contact the following person, preferably by e-mail, for substantive questions:

R. Michael Martin
California Energy Commission
1516 Ninth Street, Mail Station 26
Sacramento, California 95814-5512
Telephone: 916-654-4039
Fax: 916-654-4304
E-mail: MMartin@energy.state.ca.us

The backup contact person is:

Jim Holland
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4091
Fax: 916-654-4304
E-mail: JHolland@energy.state.ca.us

PUBLIC ADVISER

The Commission has a Public Adviser whose function it is to assist the public in participating in Commission proceedings. Please contact her if you have general questions about how to function effectively in the rulemaking:

Roberta E. Mendonca, Public Adviser
California Energy Commission
1516 Ninth Street, Mail Station 12
Sacramento, California 95814-5512
Telephone: 916-654-4489
Fax: 916-654-4493
E-mail: RMendonc@energy.state.ca.us

AVAILABILITY OF THE TEXT OF THE PROPOSED REGULATIONS
(EXPRESS TERMS), THE INITIAL STATEMENT OF REASONS, AND
THE INFORMATION UPON WHICH THE PROPOSAL IS BASED
(RULEMAKING FILE)

The Express Terms of the proposed regulations, written in plain English and set forth in a format that indicates both the existing text and the proposed text, are available at no cost from the contact person named above. In addition, the Commission has prepared an Initial Statement of Reasons for the proposed regulations, and it has available all of the information upon which the proposal is based (the rulemaking file); they are also available at no cost from the Contact Person. The Contact Person will also make available any other documents contained in the rulemaking file.

AVAILABILITY OF MODIFIED AMENDMENTS (15-DAY LANGUAGE)

At the November 5, 2003 hearing the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made, and they are sufficiently related to the originally-proposed regulations, the full modified text with changes clearly indicated will be made available to the public at least 15 days before the Commission adopts the regulations. A notice of the availability of any such text will be mailed to: all the persons to whom this notice is being mailed; those who submitted written or oral comments at the hearing; those who submitted written comments during the public comment period; and those who specifically requested to receive modifications to the regulations. In addition, copies may be requested from the contact person named above. The Commission will accept written comments on any such modified text for at least 15 days after the text is made available to the public.

FINAL STATEMENT OF REASONS

The Commission will prepare a Final Statement of Reasons on the regulations, responding to all relevant comments made during the proceeding. The Final Statement of Reasons will be available from the contact person named above.

INTERNET ACCESS

Documents prepared by the Commission for this rulemaking will be posted on the Commission's website, http://www.energy.ca.gov/appliances_rulemaking/